

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 1, 4-7, 9, and 10 are pending. In the present amendment, Claim 1 is currently amended. Support for the present amendment can be found in the original specification, for example, at page 11, lines 4-9, at page 21, lines 14-16, at page 31, lines 9-23, and in original Claim 14. Thus, it is respectfully submitted that no new matter is added.

In the outstanding Office Action, Claims 1 and 4-7 were rejected under 35 U.S.C. § 103(a) as unpatentable over Weihrauch (U.S. Patent No. 5,779,610) in view of Woodall et al. (U.S. Patent No. 4,404,703, hereinafter “Woodall”); Claims 9 and 10 were rejected under 35 U.S.C. § 103(a) as unpatentable over Weihrauch in view of Polzin et al. (U.S. Publication No. 2002/0112810, hereinafter “Polzin”); and Claim 14 was rejected under 35 U.S.C. § 103(a) as unpatentable over Weihrauch in view of Yamaguchi (U.S. Publication No. 2003/0213083).

The specification is hereby amended to fix minor informalities that were the result of translational errors. In support a certified English language translation of the priority document (JP 2003-355921) is filed herewith. Accordingly, it is respectfully submitted that no new matter is added.

In response to the rejections under 35 U.S.C. § 103(a), Applicants respectfully request reconsideration of these rejections and traverse these rejections, as discussed below.

Claim 1 recites a paint roller and is hereby amended to include the subject matter of canceled Claim 14 such that amended Claim 1 recites that “the cover member is a fabric comprising a base which is woven or knitted from at least a thread having a loop and a heat-fusing fiber.” Additionally, “the fabric has a pile on an upper surface of the cover member and the loop on an inner surface of the cover member, and the loop comprises a female

element, and in the base, the heat-fusing fiber is heat-welded together with other heat-fusing fiber and with other fiber.” Claim 1 also recites that “the core member is attached to the cover member with an engagement of the male element and the female element, and a height of the male element is 0.5 to 2.5 mm.” It is respectfully submitted that the cited references do not disclose or suggest every feature recited in amended Claim 1.

Weihrauch describes a roll for a paint roller with a bow shaped support member provided with a handle on which the roll can be mounted.¹ In one embodiment, Weihrauch describes a cover part which can be applied radially to a carrying body by means of a Velcro fastener that is added between the cover part and carrying body.² Additionally, Weihrauch describes that the cover part can be given a smooth, relatively hard surface or a paint application covering.³

The Office Action, in Section 2.b. on page 2, acknowledges that “Weiharch does not discloses a fabric having a loop and being .3 mm and a *female* element being 4 mm” (emphasis added). It is noted that Claim 1 recites the height of the *male* element.

Woodall describes a pile fabric covering 14 that is adhesively secured to the exterior of a tubular core 13 of a roller 12.⁴ Regarding Woodall, the Office Action states that “Woodall jr et al which discloses an apparatus having fabric which woven and has loops with other piles creating a painting surface on the roller.”

However, it is respectfully submitted that Weihrauch in view of Woodall does not disclose or suggest “a cover member attached exchangeably on a surface of the core member, and the cover member is a fabric comprising a base which is woven or knitted from at least a thread having a loop and a heat-fusing fiber, and the fabric has a pile on an upper surface of the cover member and the loop on an inner surface of the cover member, and the loop

¹ See Weihrauch, at column 1, lines 10-15.

² See Weihrauch, at column 2, lines 47-52.

³ See Weihrauch, at column 2, lines 52-58.

⁴ See Woodall, at column 2, lines 51-58 and in Figure 2.

comprises a female element, and in the base, the heat-fusing fiber is heat-welded together with other heat-fusing fiber and with other fiber,” as recited in amended Claim 1.

Instead, as discussed above, Weihrauch describes that the paint application layer such as the plush layer is fixed to the carrying body surface by means of the Velcro fastener positioned between the application layer and the carrying body. Thus, the Velcro fastener described in Weihrauch is an extra piece separate from the application layer and the carrying body. Accordingly, the application layer and the carrying body of Weihrauch are not integrally comprised of the male and female elements themselves. Further, even modifying Weihrauch with the pile fabric covering 14 of Woodall does not cure this deficiency since the pile fabric covering 14 is only on an *exterior* of the fabric, and as can be clearly seen in Figure 5, the female elements do not extend through the fabric to be attached to a male element on the core 13 of the roller 12. Instead, the pile fabric covering 14 of Woodall is secured with an adhesive to the core 13.

Additionally, Weihrauch and Woodall do not disclose or suggest that the cover member includes a heat-fusing fiber that is attached exchangeably on the surface of the core member by the claimed engagement. In the paint rollers of the cited references, since the cover member comprises general fabric, and not the claimed heat-fusing fiber, the pile can fall out from the cover member by usage and displacement of the loop exposed on the surface of the cover member can occur.

Further, although the Office Action concedes that Weihrauch does not disclose or suggest the claimed height of the male element, the Office Action takes the position that the height “would have been obvious because ‘a person of ordinary skill has good reason to pursue the known options within his or her technical grasp.’” However, the Office Action has not provided *any evidence* that the claimed *range* was within the technical grasp of a person of ordinary skill in the art. Further, none of the cited references have recognized the height of

a male element positioned on the core of the roller as a result-effective variable, and thus the Office Action has not established a *prima facie* case that such an optimization would have been obvious. See MPEP 2144.05.

Therefore, it is respectfully submitted that Weihrauch in view of Woodall does not disclose or suggest every element recited in amended Claim 1. Thus, it is respectfully requested that the rejection of Claim 1, and all claims dependent thereon, as unpatentable over Weihrauch in view of Woodall be withdrawn.

As discussed above, Claim 1 is hereby amended to include the subject matter from canceled Claim 14. In rejecting Claim 14, the Office Action takes the position, in Section 4.g. on page 4, that “Weihrauch discloses except for heat fusing fibers.” Instead, the Office Action relies on Yamaguchi to cure this deficiency of Weihrauch in view of Woodall.

However, the roller brush of Yamaguchi is fabricated by covering the roll core with a paint holder of fibrous circular material that is heated to bond the covering to the roll core.⁵ Accordingly, the fabric covering of Yamaguchi does not cure the above-noted deficiencies of Weihrauch in view of Woodall. Therefore, it is respectfully submitted that Claim 1 patentably defines over Weihrauch in view of Woodall and Yamaguchi.

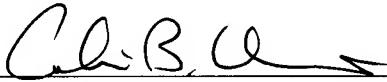
Turning now to the rejection of Claims 9 and 10, Applicants respectfully submit that Polzin does not cure the deficiencies noted above with respect to Weihrauch in view of Woodall. Specifically, in the paint rollers described in Polzin, the cover member is fixed to the mandrel by an adhesive, and the cover member cannot be easily exchanged for a new one. Therefore, for at least the reasons discussed above with respect to Claim 1, it is respectfully submitted that Claims 9 and 10 also patentably define over all of the cited references. Thus, it is respectfully requested that the rejection of Claims 9 and 10 be withdrawn.

⁵ See Yamaguchi, at paragraph [0041].

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. A Notice of Allowance is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Colin B. Harris
Registration No. 58,969

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)